

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

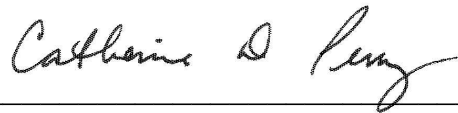
VUTEK, INC.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:07CV1886 CDP
	)	
LEGGETT & PLATT, INC., et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

The parties have informed the court that they have resolved all issues in this case, and have indicated that their settlement is based in part on an agreement that defendant/counterclaim-plaintiffs Leggett & Platt, Inc. and L & P Property Management Company ask this Court to vacate the July 14, 2009 order in which I found that certain claims of U.S. Patent No. 7,290,874 were invalid. Although I would not vacate a final judgment in order to facilitate a settlement, the order in this case is not final, because many issues in the case remain for resolution. Additionally, vacating this order will have no effect on the final determination in an earlier case of invalidity of certain claims of the predecessor patent, U.S. Patent No. 6,755,518. *See Leggett & Platt, Inc. v. Vutek, Inc.*, 537 F.3d 1349 (Fed. Cir. 2008). Because the July 14, 2009 order is interlocutory, and because the parties to this litigation are jointly asking me to vacate it, I will do so.

Accordingly,

**IT IS HEREBY ORDERED** that the unopposed motion to vacate the July 14, 2009 Order [#152] is granted, and the Memorandum and Order entered in this case on July 14, 2009 [docket entry # 136] is VACATED.

A handwritten signature in cursive script, reading "Catherine D. Perry", written in black ink.

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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 12th day of November, 2009.